

DRAFT OF CITY COUNCIL MINUTES

FOR

June 9, 2005

The Round Rock City Council met in Regular Session on Thursday, June 9, 2005, in the City Council Chamber, 221 E. Main Street.

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

Mayor Maxwell called the session to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Maxwell led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Tom Nielson, Councilmember Joe Clifford, Councilmember Carlos T. Salinas, Councilmember Scott Rhode and Councilmember Gary Coe. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS: None

PROCLAMATIONS:

5.A. Consider proclaiming June 12, 2005 as N.G. "Bunky and Geneva Whitlow Day.

Mayor Maxwell read the following proclamation. Jim Nuse announced that Mr. and Mrs. Whitlow will be honored at Old Settlers Park on Sunday, June 12, 2005 from 3-5 p.m. and the Capital Idea will be introduced at that time.

WHEREAS, Round Rock has always been fortunate to have individuals who give unselfishly of the time and talents for the betterment of the community; and

WHEREAS, N. G. (Bunky) and Geneva (Nevie) Whitlow came to Round Rock over fifty years ago bring with them their foresight, dedication, and driving force to make a difference in the Round Rock community; and

WHEREAS, Bunky has played a key role in recruiting major companies to Round Rock (including Westinghouse and others) and was instrumental in laying the groundwork for Round Rock's current thriving, foresighted, progressive community; and

WHEREAS, Bunky and Nevie have been vitally involved in many activities and organizations within the community that are too numerous to list; and

WHEREAS, Bunky has made possible the success of countless individuals, businesses and entrepreneurs throughout Williamson County and beyond and is now the driving force behind Capital IDEA who helps people get "a leg up".

NOW, THEREFORE, I, Nyle Maxwell, Mayor of the City of Round Rock, Texas, do hereby recognize Bunky and Geneva Whitlow for their decades of unparalleled excellence in leadership, commitment, community spirit, and achievement by honoring them on the success of Capital IDEA's efforts to raise working families into high-skill career opportunities in Travis County; and

FURTHERMORE, challenge citizens of Round Rock and Williamson County to unite with the Whitlow's to create a legacy that will invest in the dreams of generations of working families in

our communities by helping to lift individuals who are struggling to make ends meet join the high-skill workforce.

PROCLAIMED this 9th day of June 2005.

5.B. Consider proclaiming June as National Homeownership Month.

Mayor Maxwell read the following proclamation and presented to Mona Ryan, Community Development Coordinator.

WHEREAS, throughout our nation's history, homeownership has been central to the American way of life and plays a critical role in strengthening families and communities; and

WHEREAS, since America's earliest days, homeownership has been creating community stakeholders who are active in charities and their places of worship, and more likely to vote and become involved with local issues while offering children a stable living environment which influences their development in measurable ways; and

WHEREAS, today, nearly 75 million Americans are homeowners, and the percentage of households that have achieved homeownership, nearly 70 percent, is at an all-time high; and

WHEREAS, the City of Round Rock joins with the federal government in making homeownership more affordable and accessible by continuing to make down payment and closing costs financial assistance available to eligible first time home buyers.

NOW, THEREFORE, I, Nyle Maxwell, Mayor of the City of Round Rock, Texas, do hereby proclaim the month of June, 2005 as

"NATIONAL HOMEOWNERSHIP MONTH"

in the City of Round Rock, Texas, and call upon the citizens of Round Rock to recognize this special observance and participate in National Homeownership Month activities throughout the month of June.

PROCLAIMED this 9th day of June 2005.

PRESENTATIONS:

6.A.1. Consider a presentation concerning the selection of an architect for Fire Station No. 7.

Tom Word, Chief of Public Works Operations made the staff presentation. The Building Construction Department and the Fire Department requested qualifications from three local architects for the design of future Fire Station No. 7 being considered in the north east area of Round Rock which is along Chandler Road between IH-35 and Sunrise Road. The local firms were KA Hickman Architects & Interior Designs, Moman Architects Inc. and Spencer Godfrey Architects. The selection team consisted of Fire Chief Larry Hodge, Assistant Fire Chief David Smith, Larry Madsen, Construction Manager and Gary Wilson, Project Manager. After interviews of the firms and review of the request for qualifications, the team scored the firms and KA Hickman Architects & Interior Designers was selected as the number one choice for design of Fire Station No. 7. Keith Hickman designed Fire Stations number three, four, and six for the City. Staff will meet with Keith Hickman of KA Hickman Architects & Interior Designer and prepare a contract to be brought back to a future Council meeting.

CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion. Item *8.A. was withdrawn from the agenda. There was no separate discussion on any of the remaining items.

*8.A. Consider approval of the City Council minutes for May 26, 2005. *This item was withdrawn from the agenda at the request of staff.*

*9.B.1. Consider an ordinance determining the public necessity for the acquisition of a fee simple interest in a 0.106 acre parcel of land for the proposed Red Bud Lane (CR 122) Improvement Project, and if necessary, authorizing the City Attorney to initiate eminent domain proceedings. (First Reading)

*9.D.2. Consider an ordinance amending Chapter 9, Section 9.503, Code of Ordinances
(1995 Edition) designating a portion of Sandy Brook Drive as a school speed zone. (First Reading)

*10.A.2. Consider a resolution authorizing a property tax refund to Bridge Foxfire Partners, Ltd. for 2002 taxes in the amount of \$814.58.

*10.A.3. Consider a resolution authorizing a property tax refund to Shannon Stephanie Sutton for 2004 taxes in the amount of \$628.19.

*10.B.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 3 to the Agreement for Engineering Services with HDR Engineering, Inc. for the final design of Red Bud Lane from US 79 to CR 123.

*10.E.1. Consider a resolution authorizing the Mayor to execute Supplemental Contract No. 1 to the Contract for Engineering Services with Espey Consultants, Inc. for the study of Onion Branch in the vicinity of The Hermitage.

MOTION: Councilmember Clifford moved to approve all the items on the consent agenda.

Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Nielson
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Councilmember Coe

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance of item 9B1 with the unanimous consent of all the Councilmembers present and adopt the ordinance. Councilmember Coe seconded the motion.

VOTE: Ayes: Councilmember Nielson
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Councilmember Coe
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*8.A. Consider approval of the City Council minutes for May 26, 2005.

This item was withdrawn from the agenda at the request of staff.

ORDINANCES:

9.A.1. Consider an ordinance amending Chapter 5, Sections 5.601 and 5.603 of the Round Rock Code of Ordinances regarding the prohibition of fireworks. (First Reading)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ROUND ROCK, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE FEE SIMPLE ACQUISITION OF APPROXIMATELY 0.106 ACRES; GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN IMPROVEMENTS FOR THE RED BUD LANE (CR 122) ROAD IMPROVEMENT PROJECT, AND ASSOCIATED PUBLIC USE AND PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

The second reading for this item was dispensed and addressed under the consent agenda.

9.C.1. Consider an ordinance rezoning 20.073 acres of land from District OS (Open Space) to District SF-2 (Single Family-Standard Lot). (9500 Wyoming Springs Drive) (First Reading) Jim Stendebach, Planning and Community Development Director made the staff presentation. This tract is abuts Wyoming Springs Road to the west and Behrens Ranch Parkway to the north. The developer is requesting that 20.073 acres of land currently zoned OS (Open Space) District be rezoned back to SF-2 (Single Family-Standard Lot) District so he can subdivide 82 single-family lots. Both the developer and the Homeowners Association (HOA) have held several meetings with the neighbors to secure support of the rezoning. These lots are similar in size to the surrounding existing sections of the Behrens Ranch Subdivision.

Historically, the developer requested single-family zoning for 240 acres (SF-1 and SF-2). He then submitted a rezoning request to have the SF-1 District and SF-2 District zoned OS District for the specific use of a Golf Course. However, the developer determined that due to financial issues, a golf course will not be feasible. He therefore applied for a zoning change in February 2004 and received a recommendation for disapproval by the Planning and Zoning Commission due to neighborhood opposition. Since that time, the developer has settled a lawsuit with a number of the neighboring property owners who are now in support of the rezoning. The remaining 240 acres of OS will be deeded to the City and maintained as parkland. The zoning change request was again presented to the Planning and Zoning Commission in March 2005 and received a favorable recommendation.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 20.073 ACRES OF LAND, OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO.

130, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT OS (OPEN SPACE) TO DISTRICT SF-2 (SINGLE FAMILY-STANDARD LOT).

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Nielson
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Nielson
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

9.D.1. Consider an ordinance amending Chapter 9, Section 9.1816, Code of Ordinances (1995 Edition) prohibiting the parking of vehicles on a portion of Park Valley Drive. (First Reading) Tom Martin, Director of Transportation Services made the staff presentation. Staff has received numerous complaints from patrons and business owners regarding the poor visibility of

oncoming traffic when exiting driveways onto Park Valley Drive when vehicles are parked along the street. A field study was conducted and determined that the aforementioned areas on Park Valley Drive be zoned "No Parking" to improve visibility and safety for vehicles exiting driveways.

Councilmember Salinas advised staff to inform the hospital personnel and construction workers about the proposed regulations.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.1816, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO PROHIBIT PARKING ON A PORTION OF PARK VALLEY DRIVE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Maxwell moved to adopt the ordinance. Councilmember Coe seconded the motion.

VOTE: Ayes: Councilmember Nielson
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

*9.D.2. Consider an ordinance amending Chapter 9, Section 9.503, Code of Ordinances (1995 Edition) designating a portion of Sandy Brook Drive as a school speed zone. (First Reading)

This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.503, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, DESIGNATING A PORTION OF SANDY BROOK DRIVE AS A SCHOOL SPEED ZONE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

RESOLUTIONS:

10.A.1. Consider a resolution authorizing the Mayor to execute an engagement letter with Brockway, Gersbach, McKinnon & Niemeier, P.C. for the annual audit for the fiscal year ending

September 30, 2005. Cindy Demers, Finance Director made the staff presentation. The City's Charter requires an annual audit of the financial records to be performed by an independent certified public accountant. The objective of the audit is the expression of an opinion as to whether the City's financial statements are fairly presented in conformity with generally accepted accounting principles. Other objectives include reporting on internal controls related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements in accordance with Government Auditing Standards and Single Audit Act requirements. As a best practice, every 5 years the City intends to formally solicit firms to perform the City's external audit. The City implemented the process this year by issuing a Request for Qualifications for audit services. The Request for Qualifications document was sent to over 30 accounting firms in early March. The City received seven responses. The City's audit services selection committee evaluated the responses, interviewed the top three firms and called references for those firms. The committee recommended Brockway, Gersbach, McKinnon & Niemeier, P.C. at a cost of \$72,000. The audit will provide an independent examination of financial records, activities and operations to assess internal control practices, compliance with regulations, grant terms, bond covenants, contractual requirements and fairness of presentation of financial information. The recommended firm will also provide valuable ideas and observations intended to help achieve the City's objectives in maintaining adequate financial controls, policies and procedures.

Lisa McKinnon, the firm's governmental audit partner, gave a brief overview of the firm adding that the audit will be conducted in stages.

RESOLUTION NO. _____

WHEREAS, it is necessary for the City of Round Rock to conduct an annual audit, and
WHEREAS, the accounting firm of Brockway, Gersbach, McKinnon & Niemeier, P.C. has submitted an engagement letter to provide said audit for the fiscal year ending September 30, 2005, and

WHEREAS, the City Council wishes to enter into said engagement letter, Now Therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an engagement letter with Brockway, Gersbach, McKinnon & Niemeier, P.C. to conduct said audit, a copy of said engagement letter being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the

RESOLVED this 9th day of June 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Nielson
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Councilmember Coe
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

*10.A.2. Consider a resolution authorizing a property tax refund to Bridge Foxfire Partners, Ltd. for 2002 taxes in the amount of \$814.58. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock is mandated by V.T.C.A., Tax Code §31.11 to refund, upon taxpayer application to the tax collector of its taxing unit and upon verification by the auditor of its taxing unit, any overpayment or erroneous payment of taxes; and

WHEREAS, if such amount exceeds \$500.00, then the governing body of the taxing unit must also determine that the payment was erroneous or excessive and must approve the refund,
Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the following named taxpayer, Bridge Foxfire Partners, LTD has made an overpayment or erroneous payment of 2002 taxes in the amount of \$814.58; that such amount is in excess of \$500.00; that such overpayment or erroneous payment has been verified by the Tax Collector; and that application for refund has been made to the Tax Collector by said taxpayers.

The Council further finds and makes a determination that the payment was erroneous or excessive; and further approves such refund in the amount of \$814.58.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of June, 2005.

*10.A.3. Consider a resolution authorizing a property tax refund to Shannon Stephanie

Sutton for 2004 taxes in the amount of \$628.19. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock is mandated by V.T.C.A., Tax Code §31.11 to refund, upon taxpayer application to the tax collector of its taxing unit and upon verification by the auditor of its taxing unit, any overpayment or erroneous payment of taxes; and

WHEREAS, if such amount exceeds \$500.00, then the governing body of the taxing unit must also determine that the payment was erroneous or excessive and must approve the refund, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the following named taxpayer, Shannon Stephanie Sutton has made an overpayment or erroneous payment of 2004 taxes in the amount of \$628.19; that such amount is in excess of \$500.00; that such overpayment or erroneous payment has been verified by the Tax Collector; and that application for refund has been made to the Tax Collector by said taxpayers.

The Council further finds and makes a determination that the payment was erroneous or excessive; and further approves such refund in the amount of \$628.19.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of June, 2005.

*10.B.1. Consider a resolution authorizing the Mayor to execute Supplemental

Agreement No. 3 to the Agreement for Engineering Services with HDR Engineering, Inc. for the final design of Red Bud Lane from US 79 to CR 123. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Agreement for Engineering Services ("Agreement") with HDR Engineering, Inc. for the final design of Red Bud Lane from US 79 to CR 123, and

WHEREAS, HDR Engineering, Inc. has submitted Supplemental Agreement No. 3 to the Agreement to modify the provisions for the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 3 with HDR Engineering, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 3 to the Agreement with HDR Engineering, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of June, 2005.

Councilmember Coe

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

10.C.1. Consider a resolution releasing the Highlands at Mayfield Ranch Municipal Utility District from the City of Round Rock Wastewater Service Area. Tom Clark, Director of Utilities made the staff presentation. The Municipal Utility District (MUD) is located in Round Rock's ETJ and in order to receive wastewater service from another entity, the MUD must receive Round Rock's consent which is a condition of the Brushy Creek Regional Wastewater Disposal Contract. The Mayfield Ranch MUD will be served water by the City of Georgetown and wastewater service will be provided by the City of Cedar Park through the Brushy Creek Regional Wastewater System. The Mayfield Ranch MUD will not be served water or wastewater by the City of Round Rock.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock ("City") has previously consented, by Resolution No. R-04-12-02-9D1 dated December 2, 2004, to the creation of Highlands at Mayfield Ranch Municipal Utility District over approximately 345.79 acres of land in the City's extraterritorial jurisdiction ("Land"), and

WHEREAS, the Land is not located within the certificated service area of any wastewater utility provider, and the developer of the Land, Highlands at Mayfield Ranch, Ltd. ("Developer"), proposes to obtain wholesale wastewater service for the Land through the Brushy Creek Regional Wastewater System ("System"), and

WHEREAS, Section 7.10 of the Wastewater Disposal Contract which has been entered into by the City with the Brazos River Authority, the Lower Colorado River Authority, the City of Cedar Park, and the City of Austin dated October 11, 2000 ("Contract"), provides that neither the City, the Brazos River Authority, the Lower Colorado River Authority, the City of Cedar Park, nor the City of Austin will provide or enter into an agreement to provide wastewater service directly or indirectly to another customer's service area unless the customer in whose service area the service is to be provided consents, and

WHEREAS, as set forth on Figure 1 to the Contract, the Land is located within the City's designated service area under the Contract, and the City wishes to consent to such service being provided by another customer, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City gives its consent to the provision of wastewater service to the Land by another customer or participant in the Brushy Creek Regional Wastewater System, and agrees to provide further evidence of its consent if requested to do so by the Developer, the District, or the proposed service provider.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of June, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Coe seconded the motion.

VOTE: Ayes: Councilmember Nielson
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

10.D.1. Consider a resolution authorizing the Mayor to execute a Second Amendment to the Development Agreement with NNP-Teravista, L.P. and ANC-Round Rock Assets II, L.P. This item was withdrawn from the agenda at the request of the developer.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock ("City") has previously entered into a Development Agreement ("Agreement") with NNP-Teravista, L.P. ("Developer") regarding the Teravista Project ("Project"), and

WHEREAS, a portion of the Project has been acquired by ANC-Round Rock Assets II, L.P. ("ANC"), and

WHEREAS, Developer and ANC have entered into a contract for the sale of a portion of the Project known as the Round Rock Premium Outlets Project and amended the Agreement by First Amendment to Development Agreement, and

WHEREAS, Developer has entered into a contract to sell a portion of the project containing 18.077 ares of land to Scott & White Memorial Hospital and Scott, Sherwood and Brindley Foundation ("Scott & White"), and

WHEREAS, the City and Developer now desire to amend the Agreement to reflect the sale to Scott & White, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Second Amendment to Development Agreement with NNP-Teravista, L.P., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of June, 2005.

*10.E.1. Consider a resolution authorizing the Mayor to execute Supplemental Contract

No. 1 to the Contract for Engineering Services with Espey Consultants, Inc. for the study of Onion Branch in the vicinity of The Hermitage. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a Contract for Engineering Services ("Contract") with Espey Consultants, Inc. for the study of Onion Branch in the vicinity of The Hermitage, and

WHEREAS, Espey Consultants, Inc. has submitted Supplemental Contract No. 1 to the Contract for a change in the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Contract No. 1 with Espey Consultants, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Contract No. 1 to the Contract with Espey Consultants, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of June, 2005.

10.F.1. Consider a resolution authorizing the Mayor to execute a contract with RGM

Constructors, L.P. for the Old Settlers Park Soccer Field Parking Lot Improvements Project.

Rick Atkins, Parks and Recreation Director made the staff presentation. There are two grass areas located to the east and west of the soccer fields in Old Settlers Park that are currently being used for parking. However, the areas are not paved and are a problem during wet conditions. Because the City hosts many sporting events each year that attract visitors from across the State, it is important that the City improve these parking areas. These improvements would aesthetically improve the entire area and provide a nice message to visitors to the "Sports Capitol of Texas". Staff received three bids which were opened on May 24, 2005 for the project. After reviewing the bids, the Engineer and staff's recommendation was to award the bid to RGM Constructors, L.P. at a cost of \$512,568.18.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the Old Settlers Park Soccer Field Parking Lot Improvements Project, and

WHEREAS, RGM Constructors, L.P. has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of RGM Constructors, L.P., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with RGM Constructors, L.P. for the Old Settlers Park Soccer Field Parking Lot Improvements Project.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 9th day of June 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember

Nielson seconded the motion.

VOTE: Ayes: Councilmember Nielson

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Coe

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

APPOINTMENTS:

11.A. Consider appointment of Mayor Pro-tem.

Mayor Maxwell opened the floor for nominations.

MOTION: Councilmember Nielson moved that Mayor Pro-tem McGraw continue serving in the capacity of Mayor Pro-tem by acclamation. Councilmember Coe seconded the motion.

VOTE: Ayes: Nielson Councilmember

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Coe

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

11.B. Consider 4 appointments to the Planning and Zoning Commission.

Mayor Maxwell opened the floor for nominations. Larry Quick, Al Kosik, Sandy Arnold, and Ray Thibodaux were nominated.

MOTION: Councilmember Clifford moved that nominations cease and to appoint Larry Quick, Al Kosik, Sandy Arnold, Ray Thibodaux by acclamation. Councilmember Nielson seconded the motion.

VOTE: Ayes: Nielson Councilmember
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Councilmember Coe
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

11.C. Consider 6 appointments to the Zoning Board of Adjustments.

Mayor Maxwell opened the floor for nominations for the Zoning Board of Adjustments.

Keith Hickman, Terry Hagood, Michael Morales, Tim Haynie, P.E., Sandra Talton and Frank Del Castillo, Jr., were nominated.

MOTION: Mayor Pro-tem McGraw moved that nominations cease. Councilmember Salinas seconded the motion.

VOTE: Ayes: Nielson Councilmember
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Councilmember Coe
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

Mayor Maxwell asked the Council to state their vote for three regular members.

The following results are from the poll of the Council.

Keith Hickman – 7 votes *appointed as regular member*

Terry Hagood – 7 votes *appointed as regular member*

Michael Morales – 0 votes

Frank Del Castillo – 0 votes

Tim Haynie, P.E. – 5 votes *appointed as regular member*

Sandra Talton – 2 votes

Mayor Maxwell asked for nominations for the positions of alternates. He added that one alternate will fill an unexpired term. Michael Morales, Frank Del Castillo and Sandra Talton were nominated.

The following results are from the poll of the Council.

Michael Morales – 6 votes *appointed as alternate member*

Frank Del Castillo – 2 votes *appointed as alternate member to fill unexpired term*

Sandra Talton – 6 votes *appointed as alternate member*

11.D. Consider 3 appointments to the Historic Preservation Commission.

Mayor Maxwell opened the floor for nominations. Lynn Smith, David Crutchfield, Billy Huggins, and Sandra Talton were nominated.

MOTION: Councilmember Coe moved that nominations cease and to appoint Lynn Smith, David Crutchfield, and Billy Huggins to the Historic Preservation Commission by acclamation. Councilmember Rhode seconded the motion.

VOTE: Ayes: Nielson Councilmember
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

11.E. Consider 4 appointments to the Community Development Advisory Commission.

Mayor Maxwell opened the floor for nominations. Dina Schaefer, Karen Adair-Murphy, Martha Chavez, and Rodney Howard were nominated.

MOTION: Councilmember Rhode moved that nominations cease and to appoint Dina Schaefer, Karen Adair-Murphy, Martha Chavez, and Rodney Howard to the Community Development Advisory Commission by acclamation. Councilmember Salinas seconded the motion.

VOTE: Ayes: Nielson Councilmember
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Councilmember Coe
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

11.F. Consider 3 appointments to the Round Rock Housing Authority.

Mayor Maxwell opened the floor for nominations. Andy Martinez, Linda Martinez, and Deborah Williams were nominated.

MOTION: Mayor Pro-tem McGraw moved that nominations cease and to appoint Andy Martinez, Linda Martinez, and Deborah Williams to the Round Rock Housing Authority by acclamation. Councilmember Coe seconded the motion.

VOTE: Ayes: Nielson Councilmember
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode

Councilmember Coe

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

11.G. Consider 3 appointments to the Building Standards Commission.

Mayor Maxwell opened the floor for nominations. Brian Morrow and Martha Juch were nominated.

MOTION: Councilmember Coe moved that nominations cease and to appoint Brian Morrow and Martha Juch to the Building Standards Commission by acclamation. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Nielson Councilmember
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Councilmember Coe
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

Mayor Maxwell asked staff to advertise the vacancy on this Commission.

11.H. Consider 4 appointments to the Ethics Review Commission.

Mayor Maxwell opened the floor for nominations. Efrain Davila, Monica Beatty, David Adkins and Larry Cowan were nominated.

MOTION: Mayor Pro-tem McGraw moved that nominations cease and to appoint Efrain Davila, Monica Beatty, David Adkins and Larry Cowan to the Ethics Review Commission by acclamation. Councilmember Rhode seconded the motion.

VOTE: Ayes: Nielson Councilmember
Mayor Pro-tem McGraw
Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Coe

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

11.I. Consider 5 appointments to the Round Rock Housing Finance Corporation Board of Directors. Mayor Maxwell opened the floor for nominations. Mayor Maxwell, Councilmember Clifford, Councilmember McGraw, Councilmember Salinas and Councilmember Rhode were nominated.

MOTION: Councilmember Coe moved that nominations cease and to appoint Mayor Maxwell, Councilmember Clifford, Councilmember McGraw, Councilmember Salinas and Councilmember Rhode to the Round Rock Housing Finance Corporation Board of Directors by acclamation. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Nielson Councilmember
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Councilmember Coe
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

11.J. Consider 3 appointments to the Capital Area Planning Council of Governments (CAPCOG) General Assembly. Mayor Maxwell opened the floor for nominations. Mayor Pro-tem McGraw and Councilmember Salinas were nominated for the position of the City Officials and Russ Boles was nominated for the position of the citizen representative.

MOTION: Councilmember Nielson moved that nominations cease and to appoint Mayor Pro-tem McGraw and Councilmember Salinas for the City Officials positions and Russ Boles for the

citizen representative position on the General Assembly of CAPCOG by acclamation.

Councilmember Coe seconded the motion.

VOTE: Ayes: Nielson Councilmember
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

11.K. Consider 1 appointment to fill an unexpired term of the Round Rock Transportation System Development Corporation. Mayor Maxwell opened the floor for nominations.

MOTION: Mayor Pro-tem McGraw moved that this item be tabled. Councilmember Nielson seconded the motion.

VOTE: Ayes: Nielson Councilmember
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

11.L. Consider 4 appointments to the Tourism Commission.

Mayor Maxwell opened the floor for nominations for the following position.

Dell Diamond/Heritage Center (One representative)

Scott Allen was nominated.

MOTION: Mayor Pro-tem McGraw moved that nominations cease and to appoint Scot Allen as the representative for the Dell Diamond/Heritage Center by acclamation. Councilmember Clifford seconded the motion.

VOTE: Ayes: Nielson Councilmember
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

Mayor Maxwell opened the floor for nominations for the following position.

Hotel industry - small-size 250 rooms or less (one representative)

MOTION: Councilmember Nielson moved to table the appointment for the Small Size Hotel industry. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Nielson Councilmember
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

Mayor Maxwell opened the floor for nominations for the following position.

Local tourism-related business (one representatives)

Gisele Schaefer was nominated.

MOTION: Mayor Pro-tem McGraw moved that nominations cease and to appoint Gisele Schaefer as the Local Tourism representative by acclamation. Councilmember Nielson seconded the motion.

VOTE: Ayes: Nielson Councilmember
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

Mayor Maxwell opened the floor for nominations for the following position.

Arts Community (one representative)

Linda Bolding was nominated.

MOTION: Councilmember Nielson moved that nominations cease and to appoint Linda Bolding as the Arts Community representative by acclamation. Councilmember Coe seconded the motion.

VOTE: Ayes: Nielson Councilmember
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

11.M. Consider 2 appointments to the Round Rock Health Facilities Corporation.

Mayor Maxwell opened the floor for nominations. Councilmember Clifford and Councilmember Salinas were nominated.

MOTION: Mayor Pro-tem McGraw moved that nominations cease and to appoint Councilmember Clifford and Councilmember Salinas to the Round Rock Health Facilities Corporation by acclamation. Councilmember Coe seconded the motion.

VOTE: Ayes: Nielson Councilmember
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

11.N. Consider 1 appointment to the Round Rock Industrial Development Corporation.

Mayor Maxwell opened the floor for nominations. Councilmember Clifford was nominated.

MOTION: Councilmember Rhode moved that nominations cease and appoint Councilmember Clifford to the Round Rock Industrial Development Corporation by acclamation. Councilmember Coe seconded the motion.

VOTE: Ayes: Nielson Councilmember
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

COUNCIL COMMENTS: None

The Council expressed their condolences to family of Thomas Edward Nelson, Jr. who recently passed away.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary